

REMARKS

Claim Rejections

Claims 5-8 are rejected under 35 U.S.C. § 103(a) as being anticipated by Norman (US 4,003,664).

Claim Amendments

By this Amendment, Applicant has amended claim 5 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art.

In response to the Examiner's rejections, Applicant respectfully submits that the cited art does not teach each and every element of Applicant's claims and/or the Examiner has misinterpreted Applicant's claims. Most importantly, the Examiner has not shown that Norman teaches what the skilled artisan would consider to be a "battery case" in general, much less a battery case ***"being configured to selectively receive a battery therein"***, as recited in amended claim 5. It is important to note that this amended language is not a product-by-process limitation. Instead, the skilled artisan would appreciate that this language imparts structural limitations which are not taught or suggested by Norman. The differences between the present invention and Norman are outlined in greater detail below:

1. The Examiner states, "Norman teaches a battery case comprises a terminal hole in a peripheral wall (abstract)". To the contrary, the abstract of Norman fails to mention a battery case, and instead discloses terminal housing 9, which has a terminal opening 11 for receiving a contact 19 at the surface of battery case for the contact of a cable 8 electrically. In comparison, the battery case of the present invention is adapted to accommodate an AA or AAA battery, having a terminal hole for the mounting of a contact member 8. Norman relates to a car battery and its contact terminal. The present invention relates to an AA or AAA battery and its contact terminal. The object and technical characteristics of the present invention are different from that of Norman.

2. The Examiner states a flange located on interior surface of wall (col. 1, lines 28~30). According to the specification of Norman, col. 1, lines 28~30 and the related figure 1, flange 7 is disposed at retaining cap 5. The retaining cap 5 of Norman is not at battery 20 but rather is outside the battery 20 for the connection of housing 9. The flange 73 according to the present invention is at the peripheral wall of battery case 7.

3. The Examiner states "and a contact member 8 having a cylindrical mounting portion 81 inserted through the terminal hole and having a first end riveted to an outer surface of the wall (col. 1, lines 20~22)." According to the specification of Norman, col. 1, lines 20~22 and the related figure 1, a battery cable comprising a single conductor is electrically connected to a small longitudinal housing element having a longitudinal opening therethrough. As indicated, Norman, col. 1, lines 20~22 discloses a battery cable 8 comprising a single conductor electrically connected to a longitudinal housing element 9 having a longitudinal opening 12 therethrough. The present invention discloses a contact member 8 having a cylindrical mounting portion 81 insertable into the terminal hole 72 and a first end portion riveted to the peripheral wall of the battery case 7. Therefore, the structure and technical characteristics of the contact member of the present invention are different from that of the conductor of the cited reference.

4. The Examiner notes that Norman teaches a contact portion 83 connected to a second end of the cylindrical mounting portion 81 and engaging a positive terminal the contact portion 83 located on the flange 73 (col. 1, lines 25-51). According to the specification of Norman, col. 1, lines 20~22 and the related figure 1, an inwardly compressible metallic terminal gripping element is adapted with a contact shape at one end of a cylindrical portion of the length thereof. The conical surface has at least two longitudinal notches extending from the base of the cone to the intersection of the apex of the cone and the cylindrical portion of the length of the compressible metallic terminal gripping element. The cylindrical portion of the length has a threaded cylindrical hole therethrough and the base of the conical section is adapted with an inwardly turned lip having two or more segments with serrated teeth

thereon that can effectively electrically connected to a rod shaped battery terminal when the conical end of the gripping element is drawn into the tapered opening in the housing by a helical spring exerting a force along the longitudinal axis of the cone shaped surface upon the shoulder of a bolt whose threads are threadedly inserted into the cylindrical hole of the gripping element. The lowermost end of the helical spring rests upon an inwardly turned lip formed at the end of a spring retaining cup having an external lip at the other end thereof. The retaining cup is inserted into the other end of the longitudinal opening of the housing having its flanged lip rest upon the surface through which the other end of the lateral opening is located. According to the aforesaid statement, Norman, col. 1, lines 20~22 discloses a cylindrical portion having a threaded cylindrical hole therethrough and the base of the conical section is adapted with an inwardly turned lip 7 with serrated teeth thereof effectively electrically connected to a rod shaped battery terminal 19. In comparison, according to the present invention, the contact member 8 having a cylindrical mounting portion 81 is inserted through the terminal hole 72 with the first end thereof riveted to the peripheral wall of the battery case 7. Therefore, the structure and technical characteristics of the contact member of the present invention are different from that of the conductor of the cited reference.

5. The Examiner states "and a contact portion 83 connected to an electric wire 84, the connecting portion 83 extending outwardly from the contact portion 82 along a side of the flange 73 supporting the connecting portion 83, the connecting portion 83 spaced apart from a casing of the battery (col. 2 Lines 6~10)". According to the specification of Norman, col. 2, lines 6~10 and the related figure 1, a further object is to provide a battery terminal connector which enables the battery cable to be disposed above and away from the uppermost surface of the battery housing to thereby prevent corrosion of the battery end of the battery cable. Norman, col. 1, lines 6~10 discloses a battery terminal connector which enables the battery cable to be disposed above and away from the uppermost surface of the battery housing to protect the battery end of the battery cable from corrosion. According to the present invention, the connecting portion 83 connects the contact member 8 to an electric wire 84, and extends outwardly from the contact portion 82 along the flange

73 supporting the connecting portion 83; the connecting portion 83 is separated by the battery case 7. Therefore, the structure and technical characteristics of the present invention are different from Norman. The structure of the present invention also offers the advantage of being simpler when compared to Norman.

6. The Examiner states "wherein cylindrical mounting portion 81, contact portion 82, and connecting portion engage battery case (col. 3, lines 25~35)". According to the specification of Norman, col. 3, lines 25~35 and the related figure 1, metallic housing 9 is fitted to connect electrically to one end of a battery cable 8 and has an opening 11 through which the retaining cup 5 may pass. Flange-like lip 7 of the retaining cup 5 is designed to rest on the lateral surface surrounding opening 11. Wings 10 are designed to be grasped by the four fingers of the user permitting the thumb to exert an inward force upon the top end of the push button-like cap 2 of bolt 1. A tapered hole 12 at the other end of the housing 9 is adapted to receive the gripping element 13. Therefore, Norman, col. 2, lines 6~10 discloses the metallic housing 9 is electrically connected to one end of the battery cable 8 and has an opening 11 for the passing of the retaining cup 5; the flange-like lip 7 of the retaining cup 5 is designed to rest on the lateral surface surrounding opening 11; the wings 10 are designed to be grasped by the four fingers of the user permitting the thumb to exert an inward force upon the top end of the push button-like cap 2 of bolt 1; the tapered hole 12 at the other end of the housing 9 is adapted to receive the gripping element 13. According to the present invention, the cylindrical mounting portion 81, the contact portion 82 and the connecting portion 83 are engaged with the battery case 7. The metallic housing 9 of Norman must be secured in place by the retaining cup 5 and the bolt 1 before connection of the battery cable 8; the cylindrical mounting portion 81, contact portion 82 and connecting portion 83 of the present invention are designed for engagement with the battery case 7. Therefore, the structure and technical characteristics of the invention are different from Norman. In addition, the structure of the invention is simpler when compared to Norman.

It follows from the above that Norman does not teach: a battery case assembly for connecting to a terminal of a battery comprising: a) a battery case having: i) an interior, the battery being selectively inserted into the interior of the

battery case being configured to selectively receive a battery therein; ii) a terminal hole located through a peripheral wall thereof; and iii) a flange located on an interior surface of the peripheral wall; and b) a contact member having: i) a cylindrical mounting portion inserted through the terminal hole of the battery case and having a first end riveted to an outer surface of the peripheral wall; ii) a contact portion connected to a second end of the cylindrical mounting portion and having a first surface engaging a positive terminal of the battery and a second surface located on the flange; and iii) a connecting portion connecting the contact portion to an electric wire, the connecting portion extending outwardly from the contact portion along a side surface of the flange supporting the connecting portion, the connecting portion being spaced apart from a casing of the battery, wherein the cylindrical mounting portion, the contact portion, and the connecting portion engaging the battery case.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Norman do not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Norman cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

It is further submitted that Norman does not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Norman renders obvious any of Applicant's amended claims under 35 U.S.C. § 103.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested.

Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of

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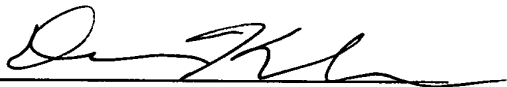
appeal, since it materially reduces the issues on appeal by amending claim 5, thereby rendering moot the outstanding rejections under 35 U.S.C. § 112, second paragraph.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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